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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,776	04/08/2002	Etienne Cousin	BDL-379XX	9662

26530 7590 08/23/2004

LADAS & PARRY
224 SOUTH MICHIGAN AVENUE, SUITE 1200
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EXAMINER

GLESSNER, BRIAN E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,776

Applicant(s)

COUSIN, ETIENNE

Examiner

Brian E. Glessner

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,11-13,15,19,20,33,34,36-39 and 46-48 is/are rejected.
- 7) ☒ Claim(s) 6,8-10,14,16-18,21-32,35 and 40-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: EXAMINER'S ATTACHMENT

DETAILED ACTION

The following office action is in response to the amendment and RCE filed on August 11, 2004. Claims 1, 2, and 4-48 are pending in the application. Claims 1, 2, 4, 5, 7, 11-13, 15, 19, 20, 33, 34, 36-39 and 46-48 are rejected. Claims 6, 8-10, 14, 16-18, 21-32, 35 and 40-45 are objected to for being dependent upon a rejected base claim.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment with two stretched fabrics and having an interval between external wing and the mounting surface, as claimed in claims 39 and 48, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. All of the embodiments having two stretched fabrics shown in applicant's drawings have no space between the mounting surface and the external wing. Therefore, the claim will be examined as interpreted by the drawings until further clarification is provided.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

Art Unit: 3635

Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

1. Claim 1 is objected to because of the following informalities: Claim 1 claims “a groove defined by an internal wing, an external wing and a base a groove defined by an internal wing, an external wing and a base”. The examiner believes that the claim should only claim one groove defined by wings and a base. Therefore, the examiner will examine the claim as only comprising one groove until further clarification is provided. However, if the applicant did mean to claim two grooves, the second groove should be claimed by claiming a second groove. Appropriate correction is required.

2. Claim 1 is objected to because of the following informalities: The examiner would like to point out that the applicant appears to only be positively claiming the rail section in claim 1. However, the applicant claims an interval adjacent to the external wing and a mounting surface. This appears to be indefinite because the mounting surface was not positively claimed. Therefore, it is not clear where the interval is supposed to be located because it is defined with respect to an element that does not exist in the claim, i.e. the mounting surface. The applicant also states that the flap extends toward the mounting surface. This is not clear, because one does not know where the mounting surface is located with respect to the rail. The flap should be claimed as extending in away from the external wing in a direction opposite to the lip or groove.

Art Unit: 3635

The applicant should describe the rail section with respect to other parts of the rail section.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. Claims 1, 2, 4, 5, 7, 11, 12, 13, 15, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Baslow (4,197,686).

In regard to claim 1, Baslow discloses a rail section for stretched fabric partitions, said section comprising a groove 11 defined by an internal wing 1 (examiner's attachment), an external wing 2, and a base 3, an interval 4, i.e. the space between the rail and the wall, adjacent to the external wing and separating the external wing from a mounting surface, a joint including a lip 13, and a flap 5 outside the groove, said flap extending outward from said external wing toward said mounting surface, said lip being shaped and configured to pinch the fabric of the false partition between said lip and said internal wing, figure 11.

In regard to claim 2, Baslow discloses the claimed invention, wherein the cross-section of said groove is generally U-shaped. The extreme portions of the lateral walls of the groove opposite the base wall of the groove defining an opening at least partially sealed off by the joint retaining the edge of the stretched fabric.

In regard to claim 4, Baslow discloses the claimed invention, wherein the lip is approximately flat, an internal face of the lip being approximately parallel to an external face of the lip.

In regard to claim 5, Baslow discloses the claimed invention, wherein the lip of the joint extends "approximately" perpendicular to the external wing.

Art Unit: 3635

In regard to claim 7, Baslow discloses the claimed invention, wherein the lip has a free edge that is in support against the internal wing of the groove opposite the external wing.

In regard to claim 11, Baslow discloses the claimed invention, wherein the external wing has an extreme portion, the lip of the joint projecting from the extreme portion.

In regard to claim 12, Baslow discloses the claimed invention, wherein the lip of the joint comprises an internal face orientated towards the base of the groove and an external opposing face, the internal face and the external face of the joint not being parallel to each other. The examiner would like to point out that the claim does not claim the entire faces being parallel. Therefore, since at least portions of the internal and external faces are not parallel, Baslow meets the claimed limitations.

In regard to claim 13, Baslow discloses the claimed invention, wherein the internal face of the lip of the joint extends “approximately” perpendicular to the external wing.

In regard to claim 15, Baslow discloses the claimed invention, wherein the lip has a free edge that is in support against the internal wing of the groove opposite the external wing.

In regard to claim 19, Baslow discloses the claimed invention, wherein the external wing has an extreme portion, the lip of the joint projecting from the extreme portion.

In regard to claim 20, Baslow discloses the claimed invention, wherein the joint has a single lip, the external face of the lip extending “approximately” perpendicular to the internal and external wings of the groove.

Claim Rejections - 35 USC § 103

1. Claims 33, 34, 36-38, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baslow (4,197,686) in view of Nicot et al. (FR 2 619 531 A1).

In regard to claim 33, Baslow discloses a false wall, comprising a fabric fixed along edges of the wall to a support fixed onto a mounting surface in a room, said support comprising a rail formed of sections as according to claim 1. Baslow does not specifically disclose that the edge of the fabric is provided with an excess thickness taking support against the internal face of the joint. Nicot teaches the use of an extra thickness portion placed along the edge of a stretched fabric. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate said extra thickness portion into Baslow's invention, because the extra thickness portion will help to hold the fabric in the groove. Further, the hook shaped extra thickness portion taught by Nicot will engage the portion 14 of Baslow's rail. The two portions will interlock and prevent the fabric from pulling out of the groove.

In regard to claim 34, Baslow in view of Nicot disclose the basic claimed invention, wherein Nicot further teaches that the false wall could be used as a false ceiling (abstract and figures 3 and 4), the groove for the rail facing downwards, the internal and external wings of the groove being approximately vertical, the external wing of the groove being mounted close to the mounting surface and the internal wing of the groove situated towards the inside of the room, the external wing having a lower extreme portion, the joint projecting from the lower extreme portion, the excess thickness of the edge of the fabric being forcefully introduced upwards between a free edge of the joint and the internal wing of the groove so that said excess thickness takes support both against an internal face of the joint and an internal face of the internal wing of the groove, the fabric stretched horizontally being thus deviated upwards so as to penetrate into the groove of the rail section while taking support on a lower extreme edge of the internal wing of the groove.

Art Unit: 3635

In regard to claim 36, Baslow in view of Nicot disclose the basic claimed invention, wherein the internal and external wings of the groove have different heights, the external wing of the groove close to the mounting surface being of smaller height than the internal wing, an external face of the joint being slanted by an angle so as to form a continuity between an extension of plane of the stretched fabric and said lower extreme portion of the external wing.

In regard to claim 37, Baslow in view of Nicot disclose the basic claimed invention except for specifically disclosing that the joint is made of a material exhibiting a color, tint or brightness identical to or coordinated with those of the stretched fabric. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the joint of the same color, tint and brightness as the fabric, because, by doing so, the joint will blend in with the fabric. Therefore, it will be less noticeable and will not stick out. Thus, the aesthetics of the room will be maintained. Further, one of ordinary skill would also not be concerned with the color, tint and brightness of the remainder of the device because it will be hidden from view when the fabric is put into place.

In regard to claim 38, Baslow in view of Nicot disclose the basic claimed invention, wherein the internal wing of the groove under which the stretched fabric takes support has a lower extremity that is rounded.

In regard to claims 46 and 47, Baslow in view of Nicot disclose the basic claimed invention comprising the limitations set forth in claims 46 and 47. The limitations of claims 46 and 47 have all been addressed in rejections of the above claims. Therefore, they will not be repeated here.

Art Unit: 3635

1. Claims 39 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baslow (4,197,686) in view of Nicot et al. (FR 2 619 531 A1) and further in view of Scherrer (FR 2 630 476 A1).

In regard to claims 39 and 48, Baslow in view of Nicot disclose the basic claimed invention, wherein the false wall comprises two stretched fabrics. They do not specifically disclose that said rail section further comprises a central wing disposed between the internal and external wings, the wings constituting lateral walls for two grooves, said joint being provided for retaining the excess thicknesses of the edges of the two stretched fabrics inside the grooves. Scherrer teaches the use of a structure having a central wing disposed between internal and external wings. It would have been obvious to incorporate this teaching into Baslow in view of Nicot's invention, because by using a similar structure with Baslow in view of Nicot's joint, the wall or ceiling could be covered with multiple pieces of fabric instead of a single piece extending the entire length of the wall or ceiling. This would produce a more pleasing aesthetic appearance to the room.

Allowable Subject Matter

2. Claims 6, 8-10, 14, 16-18, 21-32, 35 and 40-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


Art Unit: 3635

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Glessner whose telephone number is 703-305-0031.

The examiner can normally be reached on Monday-Friday 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brian E. Glessner
Primary Examiner
Art Unit 3635

B.G.
August 19, 2004

EXAMINER'S ATTACHMENT

U.S. Patent Apr. 15, 1980

Sheet 2 of 2

4,197,686

Fig. 4.

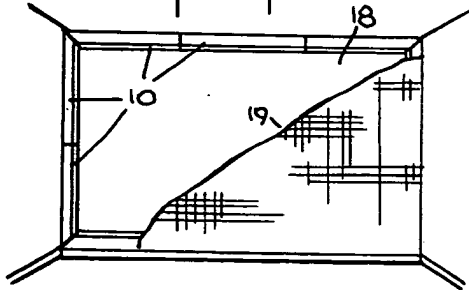


Fig. 9.

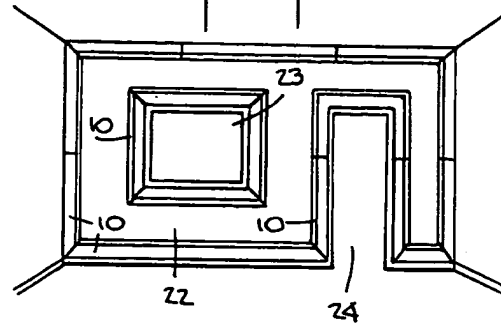


Fig. 10.

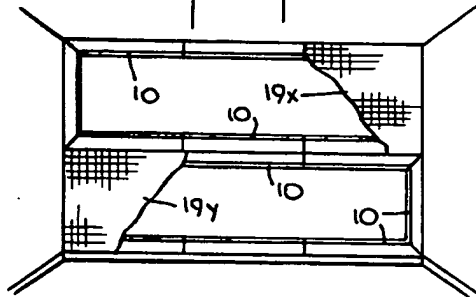


Fig. 13.

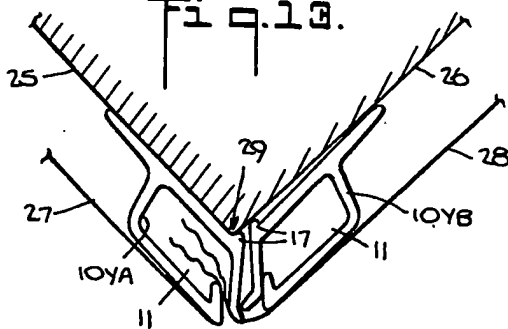


Fig. 11.

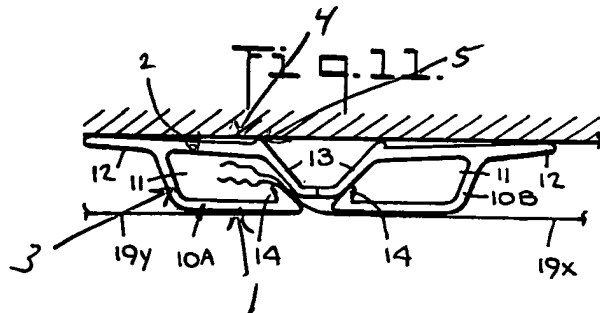


Fig. 15.

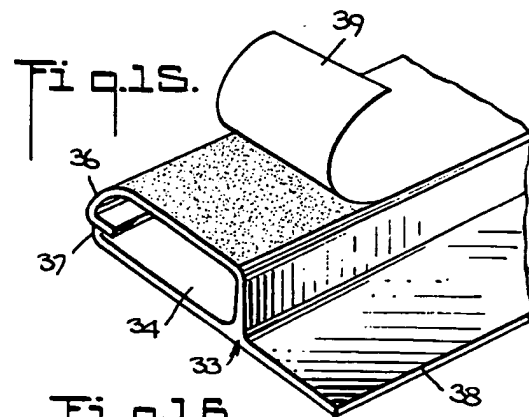


Fig. 12.

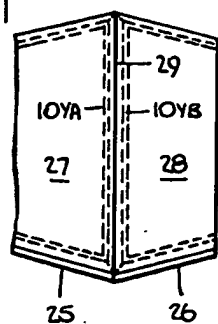


Fig. 14.

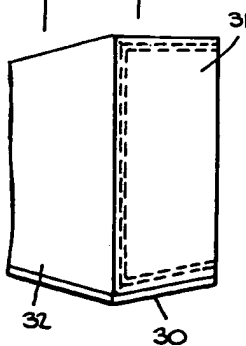


Fig. 16.

